

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-14277 - APPLICANT: KEN BALLARD - OWNER: CAROL E. MEYER

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-14270) and Variance (VAR-14273) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/12/06, except as amended by conditions herein.
4. A Waiver from landscape buffer width requirements is hereby approved, to allow a buffer width of five feet in the rear yard where six feet is the minimum required and to allow a buffer with of five feet in the corner side yard where ten feet is the minimum required.
5. A Waiver is hereby approved to allow 10 trees, minimum 24 inch box size, where 18 trees are the minimum required.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Air conditioning units shall not be mounted on rooftops.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Dedicate an additional 10 feet of right-of-way for a total radius of 20 feet on the northeast corner of "H" Street and Byrnes Avenue.
13. Relocate the existing cross walk that conflicts with the proposed driveway to the intersection of "H" Street and Byrnes Avenue concurrent with development of this site. The location and design of the cross walk shall meet the approval of the City Traffic Engineer.
14. Construct all incomplete half-street improvements on "H" Street and Byrnes Avenue adjacent to this site concurrent with development of this site. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. The location of the sidewalk shall match the locations of the sidewalk adjacent of this site.
15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
16. Landscape and maintain all unimproved rights-of-way, if any, on "H" Street and Byrnes Avenue adjacent to this site.
17. Submit an Encroachment Agreement for all landscaping, if any, located in the "H" Street and Byrnes Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
18. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed four unit condominium development and a waiver of landscape buffer width requirements on 0.19 acres at the northeast corner of “H” Street and Byrnes Avenue.

EXECUTIVE SUMMARY

The proposed four unit condominium complex requires several deviations from standards. These include residential adjacency requirements, both of the 3:1 slope and of trash enclosure separation. Additionally there are Waivers of landscape standards including buffer width and the required number of trees. The project has two additional applications; a Variance (VAR-14273) for the previously mentioned deviations and a General Plan Amendment (GPA-14270). The project is not considered compatible with the adjacent single-family residential development and due to the several deviations from standards denial of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 07/27/06 The Planning Commission recommended denial of companion items VAR-14273 and GPA-14270 concurrently with this application.
- 07/27/06 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #32/ng).

B) Pre-Application Meeting

- 06/01/06 A pre-application meeting was held and elements of this project were discussed.

C) Neighborhood Meetings

- 07/05/06 A neighborhood meeting was held at the Doolittle Community Center, 1950 “J” Street. The meeting began at 5:30 p.m. and concluded at 5:50 p.m. No members of the public were in attendance, one applicant representative and one city staff member were present.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.19 Acres

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single-family Residential
South: Single-family Residential
Undeveloped
East: Single-family Residential
West: Apartments

C) *Planned Land Use*

Subject Property: L (Low Density Residential) [Proposed M (Medium Density Residential)]
North: L (Low Density Residential)
South: L (Low Density Residential)
SC (Service Commercial)
East: L (Low Density Residential)
West: ML (Medium-Low Density Residential)

D) *Existing Zoning*

Subject Property: R-3 (Medium Density Residential)
North: R-1 (Single-family Residential)
South: R-1 (Single-family Residential)
C-1 (Limited Commercial)
East: R-1 (Single-family Residential)
West: R-3 (Medium Density Residential)

E) *General Plan Compliance*

The subject property is currently designated as L (Low Density Residential) under the Southeast Sector Plan of the General Plan. The Low Density Residential category permits single-family detached homes on individual lots. The L category permits up to 5.49 units per acre.

The applicant has requested a General Plan Amendment (GPA-14270) to M (Medium Density Residential) as part of this project. The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. The M category permits up to 25.49 units per acre. The proposed four-unit condominium project would be in conformance to the Medium Density Residential General Plan designation. It is noted that denial of this General Plan Amendment is recommended.

PROJECT DESCRIPTION

The proposal is to construct a building that will have four condominium units on a corner lot. The project will have a single point of ingress/egress along “H” Street. There will be a car port, and there will be patios for the ground floor units. There will be landscaping on all sides, it is noted that landscape waivers are required.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required R-3	Requested	Compliance
Min. Lot Size	6,500 SF	8,448 SF	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	5 Feet	5 Feet	Y
• Rear	20 Feet	46 Feet	Y
Max. Building Height	2 Stories/35 Feet	2 Stories/26’7”	Y
Trash Enclosure	50 Feet from a protected property	5 Feet from a protected property	N

The trash enclosure will be located in the northeast corner of the development and will be only five feet from a protected property. In this case the protected property is single-family residential development. A separation of 50-feet is required. This issue is addressed as a part of the companion Variance (VAR-14273) to be heard concurrently with this item.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. Per the 3:1 slope requirements the proposed building has a height of 26 feet seven inches, which requires a setback of 81 feet from a single-family residential property. The proposed setback is only five feet in the side yard. This requires a Variance (VAR-14273) to permit this deviation from requirements.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Residential (One bedroom)	2	1.25 spaces/unit	2.5	0	3	0
Residential (Two Bedroom)	2	1.75 spaces/unit	3.5	0	4	0
Guest spaces		1/6 units	1	0	1	0
Total			7		8	

The proposed development exceeds the requirements of Title 19.10 providing one parking space more than what is required.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet	18 Trees	10 Trees
Min. Zone Width	10 Feet (adjacent to ROW) 6 Feet (interior)		5 Feet 5 Feet

The project requires Waivers of several landscape requirements. First the landscape buffer width is five feet in the rear yard where six feet is required. Along the right-of-way the buffer is also only five feet wide in the corner side yard. A buffer width of ten feet is required in this area. The final deviation is that the applicant is providing 10 trees (minimum 24 inch box) where 18 are required. The Waiver concerning the number of trees is not supported as there is room to provide the additional trees necessary to comply with the requirement. The buffer width Waiver request may be supported as the decrease is only one-foot in the rear yard and this permits the proper drive aisle width and the portion along the right-of-way that is affected is a minimal area.

B) General Analysis and Discussion

- Zoning

The site is located in the R-3 (Medium Density Residential) and Apartment District. The purpose of the R-3 (Medium Density Residential) District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) District is consistent with the policies of the Medium Density Residential category of the General Plan. The proposed development is consistent with the R-3 (Medium Density Residential) District.

- Site Plan

The site plan for the proposed development shows a two story building placed basically in the center of the parcel. The rear of the building features a carport; the front will have patios for each of the ground level units. The trash enclosure is located in the northeast corner with parking in the rear. The entry/exit is along "H" Street.

- Waivers

There are Waivers of three different landscaping standards requested as part of this project. These are the buffer width in the rear yard, buffer width in the corner side yard, and the required number of trees. The buffer width Waiver is supported as it permits the drive aisle to be the proper width. The Waiver to allow fewer trees than required is not supported as there will be room to provide the necessary trees to comply with Code requirements

- Landscape Plan

The applicant is providing less than the required amount of landscaping. Waivers have been requested. The landscaping that is provided is primarily desert shrubs. There are trees planted along the northern and eastern boundaries of the site that provide a buffer between the single-family residential uses.

- Elevation

Elevations for the proposed development show a structure that is a maximum of two stories in height, nearly 27 feet tall at the highest point. It is noted that a majority of the structure is less than twenty feet in height. The architecture features decorative lamps, wrought iron rails, and decorative beams and shutters. The roof will consist of Spanish tile and the walls will be made from stucco.

- Floor Plan

Floor plans for the proposed development show basic one and two bedroom layouts for the condominiums. The square footages for each unit are not noted.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is adjacent to single-family residential properties on the north and east. The other two sides are right-of-way. This parcel stands alone on this block in terms of zoning, as it is R-3 (Medium Density Residential) where all other parcels are R-1 (Single-family Residential). The proposed four unit condominium project is not considered compatible with the surrounding single-family residential development and denial of this request is recommended.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development requires several deviations from standards. These include residential adjacency standards, both of the 3:1 slope requirement and of trash enclosure separation. A companion Variance (VAR-14273) will be heard concurrently with this item and if approved would permit these deviations. Denial of this Variance is recommended. The project also requires Waivers from landscaping standards. Due to the several deviations from standards and incompatibility with the surrounding single-family residential property denial of this application is recommended.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Access to this development is provided from “H” Street. The project is small and will not generate a large number of trips and will not negatively affect adjacent roadways or neighborhood traffic.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Building and landscape materials consist of stucco and Spanish tile. These are typical of the area and the City of Las Vegas and are considered appropriate.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Elevations and design characteristics are not unsightly and will be harmonious and compatible with development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will not compromise the public health or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 227 by Planning Department

APPROVALS 0

PROTESTS 0